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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 31 January 1994, at 10.30 a.m.

Temporary Chairman: Mr. ENNACEUR (Tunisia)

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

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The meeting was called to order at 11.05 a.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRMAN declared open the fiftieth session of the Commission on Human Rights.

Tribute to the memory of Mr. Julian Palacios, head of the delegation of Spain to the Commission on Human Rights

2. Mr. GARRETÓN (Chile), speaking on behalf of the Latin American Group, paid tribute to the memory of Mr. Julian Palacios, who had recently died.

3. On the proposal of the Temporary Chairman, the members of the Commission observed a minute of silence in tribute to the memory of Mr. Julian Palacios, head of the delegation of Spain to the Commission on Human Rights.

4. The TEMPORARY CHAIRMAN said that, while the fiftieth session of the Commission was an anniversary that deserved celebration, it should also serve as an occasion for starting a substantive debate as to whether the Commission's activities and working methods were in tune with a changing reality. A critical examination was all the more appropriate in that the year 1993 had given cause for both concern and optimism.

5. Despite the many urgent resolutions adopted by the Commission, the World Conference on Human Rights, the General Assembly and the Security Council, no progress had been made towards putting an end to the tragedy of the Bosnian people. International public opinion was nauseated by so much passivity, procrastination and impotence. If States with the capacity and duty to intervene did not do so rapidly and effectively and if the international community continued merely adopting resolutions that remained dead letters, those States would bear a heavy responsibility for the tragic situation of the Bosnian people, and the credibility of the United Nations would be dangerously weakened.

6. The situation in Africa also gave cause for deep concern; several African countries continued to be undermined by armed conflicts that seriously affected the living conditions, security and basic rights of the civilian population. He wondered what the Commission had done to stop so much suffering.

7. Elsewhere, a resurgence of new forms of violence, discrimination and extremism had been noted in a number of countries; the United Nations 1993 Report on the World Social Situation had found a deterioration in the standard of living of large segments of the world population and, according to the reports of the United Nations High Commissioner for Refugees, the number of refugees and displaced persons around the world was growing incessantly. In industrialized countries and developing countries alike, unemployment had taken on alarming proportions and, even in the wealthy countries, serious thought was being given to reducing social protection. According to Freedom House, the number of persons living in free societies had declined in 1993, whereas the number of persons refused basic liberties had grown. Those reports showed that, notwithstanding the progress made, the Commission must redouble its efforts to promote and ensure respect for human rights in their totality throughout the world.

8. But the year 1993 had also been rich in promising events. The Congress of States Parties to the Geneva Conventions, meeting in August 1993, had reaffirmed the determination of the international community to meet its responsibilities, reminding its members of their duty and commitment to respect and enforce international humanitarian law.

9. The year had also been marked by an emerging peace movement that was gradually putting an end to decades of confrontation, destruction and suffering. The two historic events illustrating that development were the signing by Israel and the Palestine Liberation Organization of the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993 and the agreement concluded between the parties in South Africa on the creation of a Transitional Executive Council and the fixing of a date for the holding of general elections in April 1994. The Commission, welcoming those two events, hoped that they would result in full and effective respect for human rights in those areas.

10. The successful conclusion of the Uruguay Round in 1993 opened new perspectives for the world economy and gave reason to be optimistic about economic recovery and social progress.

11. In the specific sphere of human rights, the most important event of 1993 had obviously been the World Conference on Human Rights at Vienna, a victory of dialogue and cooperation over confrontation and adversity and a confirmation that the international community was ready to forge ahead in promoting and protecting human rights around the world.

12. The Commission was duty-bound to strengthen the spirit of consensus that had reigned in Vienna and that had been reaffirmed at the General Assembly in New York, where an important resolution had been adopted creating the post of United Nations High Commissioner for Human Rights. The Commission must be prepared to cooperate with the High Commissioner who, it was to be hoped, would have adequate means at his disposal to carry out his mandate in the best possible conditions.

13. Unfortunately, however, the increase in the 1994 appropriations for the Centre for Human Rights at Geneva was quite inadequate for it to meet the expectations of the Commission and the Vienna Declaration and Programme of Action. In that connection, the Commission must consider what follow-up should be given to the Vienna Declaration and how the Programme of Action could be implemented; the framework for its cooperation with the High Commissioner for Human Rights must also be defined.

14. Another question that had already come up a number of times at previous sessions was that of restructuring the Commission's agenda and rationalizing its working methods. He and his fellow officers had attempted to address that question between the two sessions of the Commission. Unfortunately they had encountered some genuine reserves and had been unable to produce any practical results. In his view, that reaction was more an expression of suspicion than of bad will. The question was thus how to restore and promote confidence within the Commission. Differences of opinion on a given question should not prevent the Commission from examining all opinions lucidly and objectively.

15. There was no lack of examples of the need to revise the Commission's working methods. At its current session, the Commission would have before it some 50 reports on its agenda items, or about 1,000 pages. He wondered whether the Commission really had the time to examine them all in depth, the more so since, notwithstanding the best efforts of the technical services, the reports had not been made available to members sufficiently in advance.

16. At the closing meeting of the forty-ninth session, he had proposed the creation of an annual report on the situation of human rights throughout the world, to be presented by the Centre for Human Rights, which would give a full conspectus of the global human rights situation. If that proposal had been approved, it might have been possible to reduce both the descriptive part of the statements made in the Commission and the volume and number of the reports.

17. In 1993, the Commission had adopted about a hundred resolutions and decisions. He doubted whether it had the time and the means to follow up the implementation of those resolutions and decisions effectively, not to mention those adopted in earlier years.

18. Many members rightly considered the Commission's agenda to be too long, but it was difficult to see how it could be reduced without leaving out topics of particular importance to all or some of the members of the Commission or how it could be restructured without revising the Commission's working methods. Indeed, Commission on Human Rights resolution 1993/98, entitled "Rationalization of the work of the Commission", rightly stressed that "restructuring the agenda of the Commission would not be sufficient per se but should be paralleled with a rationalization of its work". The Commission must thus proceed forthwith to give thorough consideration to the question of rationalizing its work.

19. Needless to say any improvement or rationalization of the Commission's work must not be at the expense of its responsibility and mandate. In that regard, the Commission should bear in mind the recent resolution of the General Assembly reaffirming the Commission's role, under the Economic and Social Council, as the United Nations organ responsible for ensuring, in conformity with the Charter, the international cooperation needed for the promotion and respect of human rights.

20. As the members of the Commission were well aware, a number of questions not traditionally on its agenda deserved to be examined rapidly and in depth. The Commission's credibility and the effectiveness of its future work were at stake. It was unlikely that such questions could be considered at the current session, however, and he proposed that they should be discussed by an open-ended inter-sessional working group, whose conclusions would be considered either at the fifty-first session or, preferably, at a special session that would rejuvenate the Commission and make its work more effective.

21. The use of CD-ROM for human rights purposes was demonstrated, with illustrations.

STATEMENT BY THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS

22. Mr. FALL (Under-Secretary-General for Human Rights) said that the composition of the delegations and the list of eminent personalities participating in the work of the Commission gave a clear indication of the great interest that member States and observer States, international institutions and organizations and non-governmental organizations attached to the Commission.

23. He recalled that 1993 had marked the starting-point of a new era of human rights, as evidenced by the holding of the World Conference on Human Rights and the adoption of the Vienna Declaration and Programme of Action; the convening of the forty-eighth session of the General Assembly, at which the post of United Nations High Commissioner for Human Rights had been created; the establishment of an international tribunal to judge war crimes in the former Yugoslavia; the conclusion of the Washington agreement on interim self-government arrangements in Gaza and Jericho; and the setting up in South Africa of the Transitional Executive Council and the ratification of the intermediary constitution.

24. The key words of that new era, which would serve as guidelines for future action by the international community, were: a global and integrated approach to human rights; coordination and strengthening of the work of the United Nations; universal ratification; the central integration of the fundamental rights of women; the protection of the rights of the child, indigenous populations and vulnerable groups; and the promotion of the culture of human rights through technical assistance, education and the fight against racism and racial discrimination.

25. The World Conference had entrusted the Commission with a major task: to "consider ways and means for the full implementation, without delay, of the recommendations" of the World Conference and to review annually the progress made towards that end. Eight months having passed since the Vienna Declaration, he would attempt to summarize certain aspects of the situation.

26. The Vienna Declaration and Programme of Action called for the promotion and implementation of a global and integrated approach to questions relating to human rights, in a spirit of objectivity and non-selectivity. That approach postulated that equal dignity and equal importance should be attached to all civil, cultural, economic, political and social rights, in conformity with the universality, indivisibility and interdependency of those rights. To make that global approach a reality, the current imbalance in the treatment of economic, social and cultural rights would have to be corrected, in particular on the standard-setting level of the minimum material content of those rights, at the procedural level of their protection and from the point of view of the operational evaluation of the parameters of their domestic and international realization.

27. The work of the Committee on Economic, Social and Cultural Rights, the basic research already undertaken, the mission of the Working Group on the Right to Development and a number of initiatives taken by the Committee on the Rights of the Child indicated that progress had been made and pointed the way to future efforts. But if economic, social and cultural rights were to break

out of the theoretical speculations and generalizations in which they were all too often confined, and if an effective promotion and protection of those rights was to begin, much more courageous initiatives must follow.

28. Within the framework of its plan of action to implement the Vienna Declaration and Programme of Action, the Centre for Human Rights had selected a series of practical measures intended to enhance the importance given to the right to development and to economic, social and cultural rights. Like all the proposed activities of the Centre, that plan had not received from the General Assembly the financial support that had been hoped for; nevertheless, he was convinced that all possible efforts should be made to implement it. To that end, he had decided to establish within the Centre for Human Rights a focal point, composed of a limited number of professional staff members, the essential purpose of which would be to find ways of implementing those practical measures and to provide support to the secretariats of the Working Group on the Right to Development and the Committee on Economic, Social and Cultural Rights. The focal point would also coordinate the Centre's policy on economic, social and cultural rights.

29. The overall objective was to work towards a comprehensive and integrated approach to human rights, as called for by the World Conference on Human Rights, and that could be achieved only through enhanced cooperation among all the parties involved. The human rights treaty bodies and their chairpersons could contribute by coordinating more closely their monitoring and assistance activities. The growing number of special rapporteurs and representatives, independent experts and working groups would also benefit from increased harmonization and rationalization of their work.

30. To that end, periodic meetings, the first to be held at the end of May 1994, would be organized for the purpose of discussing issues of common interest, setting up an overall schedule of activities and improving coordination between the various missions and the reports to be submitted to the General Assembly and the Commission.

31. A comprehensive approach implied further that the various competent bodies and institutions within the United Nations system must ensure, regularly and through joint efforts, the harmonization of their human rights policies. In that connection, he welcomed the decision by the Secretary-General, in application of the Vienna Declaration and Programme of Action, to place on the agenda of the next meeting of the Administrative Committee on Coordination (ACC) the question of the strengthening of inter-agency cooperation in the field of human rights.

32. He was certain that, for its part, the Commission would not fail to take practical steps towards attaining a comprehensive and integrated approach to human rights.

33. The ratification of human rights instruments and the effective implementation of their provisions were fundamental in a world that aspired to the rule of law and the safeguard of fundamental freedoms. All those concerned must thus work together to achieve the rapid and universal ratification of the six basic human rights instruments. In cooperation with other organs and agencies, the Centre for Human Rights had begun to study ways

to achieve that objective and would be submitting financial estimates and a schedule of implementation to the Secretary-General for his approval. He was confident that the Commission, at its current and future sessions, would do its utmost to contribute to that effort.

34. In that connection, he wondered whether it was too much to ask that States members of the Commission, or those wishing to become, should demonstrate their commitment to human rights by taking the necessary steps to ratify the basic human rights instruments. Perhaps the Commission might, in the future, encourage every State participating in its work to devote part of its statement to a report on its progress towards ratification. The unsatisfactory number of ratifications of international instruments in general, and of human rights instruments in particular, was often due as much to a lack of political will on the part of Governments as to the obstacles posed by a slow-moving bureaucracy and the lack of administrative follow-up.

35. One of the priorities defined by the World Conference on Human Rights was the full realization of the fundamental rights of women, which should be an integral aspect of United Nations human rights activities. Particular concern about violence against women had been expressed repeatedly in the preparatory process for the World Conference and at the Conference itself. In its resolution 1993/46, the Commission had requested all its special rapporteurs and working groups to include in their reports available information on human rights violations affecting women. It had also decided in principle to appoint in 1994 a special rapporteur on violence against women. Moreover, the General Assembly had adopted, by its resolution 48/104, the Declaration on the Elimination of Violence against Women. The Commission thus had an appropriate legal framework in which to pursue its consideration of the issue, including the appointment of a special rapporteur who, it was widely felt, should be a woman.

36. The elimination of all forms of discrimination against women was necessary in order to achieve real equality between men and women at all levels. Emphasis should be placed on informing and educating women on the use of the mechanisms available for monitoring existing rights and enlarging their scope. Special attention should be paid to the economic promotion of women.

37. All activities designed to improve the status of women required enhanced coordination between the competent bodies of the United Nations system, the geographic dispersal of which made the task all the more difficult. However, working meetings had been held with the various bodies concerned for the purpose of a concerted implementation of the provisions of the Vienna Programme of Action that related to women's rights. In addition, a focal point had been created in the Centre for Human Rights to ensure the coordination of activities relating to women's fundamental rights. The Centre would also be playing an active role in the preparations for the World Conference on Women, to be held in Beijing, and hoped to ensure that the objectives of the Vienna Declaration in that regard would be included in the Conference agenda.

38. The World Conference on Human Rights had emphasized the importance of promoting and protecting the rights of the child and had defined three precise objectives in that regard: universal ratification of the Convention on the Rights of the Child by 1995; effective implementation of the Plan of Action adopted at the World Summit for Children; and enhancement of effectiveness of the Committee on the Rights of the Child.

39. Safeguards had to be provided for children who were victims of armed conflict or drug traffic and for abandoned children. At its last session, the General Assembly had asked the Secretary-General to appoint an expert to study the question of protecting children in armed conflicts, in collaboration with the Centre for Human Rights and the United Nations Children's Fund (UNICEF). An interim report would be submitted to the General Assembly and the Commission had been invited to consider it at its fifty-first session.

40. The General Assembly had also requested that the Commission's and Sub-Commission's special rapporteurs and representatives and working groups should pay particular attention to the plight of street children. It had endorsed the work of the Special Rapporteur on the sale of children, child prostitution and child pornography and had requested the Commission to consider establishing a working group to study, in cooperation with the Special Rapporteur, the elaboration of guidelines for a possible draft convention on the topic.

41. To strengthen coordination between the various organizations involved in protecting the rights of the child, a focal point was being set up in the Centre for Human Rights. A joint working plan on the rights of the child (Centre for Human Rights/UNICEF) had just been approved and the Director-General of UNICEF would address the Commission at its current session.

42. The previous year - the International Year of the World's Indigenous People - and the beginning of the current one had demonstrated the extreme social and political marginalization of indigenous people in numerous countries, the grave and massive violations of their human rights and the systematic, violent and sometimes bloody repression to which they were subjected, all in an atmosphere of general indifference. The International Decade of the World's Indigenous People, which was to begin on 10 December 1994, was thus of particular importance in that it would provide the framework for action to ensure the economic, social and cultural well-being of those people.

43. The General Assembly had requested the Secretary-General to establish a voluntary fund for the Decade and had asked the Commission to give priority consideration to setting up a permanent forum for indigenous people in the United Nations system. In addition, the Commission should consider the renewal and updating of the mandate of the Working Group on Indigenous Populations. With those efforts, and the necessary political will, the Decade would be able to achieve its goals.

44. The World Conference on Human Rights had recognized the importance of promoting a human rights culture at both the international and national levels. In that connection, it had recommended that the advisory services and technical assistance programme of the Centre for Human Rights should be strengthened and that national plans of action for promoting and protecting human rights should be established in order to reinforce the rule of law and democratic institutions. The procedures for financing and managing technical assistance projects were currently being restructured and a coordinator had been appointed for the Voluntary Fund for Technical Cooperation, together with a Board of Trustees which would hold its first meeting in February 1994.

45. The rapid increase in the number of mandates on human rights situations, the growing role of the Commission's Working Group on Situations, the discussions within the Commission and the Sub-Commission on the state of human rights, and the continuing denunciations by non-governmental organizations of human rights violations, provided a distressing measure of the frequency and gravity of human rights violations throughout the world. While the Vienna Declaration and Programme of Action and the creation of the post of United Nations High Commissioner for Human Rights could be seen as hopeful signs, it should not be forgotten that such actions were needed because human rights violations continued to occur.

46. The Commission would, of course, continue to play its unique role as the international forum for debate and action on the protection of human rights. The World Conference had, in fact, underlined the need to preserve and reinforce the existing system and to provide the special rapporteurs and representatives, experts and working groups with the necessary resources to carry out their mandates. It had also emphasized the importance of harmonizing and rationalizing those procedures and mechanisms.

47. While progress had been made in the promotion and protection of human rights, there was much room for improvement. In addition to insufficient human and financial resources, there was a lack of cooperation on the part of certain Governments. Furthermore, current working conditions made it difficult to submit reports on time and that slowed down the system of translation, publication and distribution, calling the entire process into question.

48. The Commission should, therefore, give priority attention to the following issues: defining mandates covering related topics; the timetables for carrying out those mandates; the cooperation of the Governments of the States to be visited; and the volume of reports and deadlines for their submission. It should bear in mind that reports must be concise, precise, objective and up to date; they should be submitted on time and should contain the information needed together with conclusions and ideas which could lead to effective debate and action. An appropriate framework for such reflection might be the establishment of an open-ended working group to consider the restructuring and rationalizing of the Commission's agenda.

49. Significant additional resources were needed if the Centre for Human Rights was to carry out effectively and promptly the activities assigned to it. At its forty-eighth session, the General Assembly had responded positively to requests from the Secretary-General for an increase in the

financial and human resources of the Centre, but the new resources did not even partially fill the gap that had developed over the years between the Centre's duties and its resources. They would certainly not permit any realistic implementation of the Vienna Programme of Action. It was to be hoped, therefore, that the General Assembly would agree to reconsider the issue in view of the need for effective implementation of the Programme of Action.

50. Since its inception 50 years previously, the Commission on Human Rights had played a major role in the promotion and protection of human rights. It had over the years, despite the obstacles of the cold-war period, defined its basic orientations, elaborated standards, created functional structures for implementation and set up monitoring mechanisms. More recently, it had developed advisory and technical assistance services and education and information programmes.

51. Through the Commission's efforts, there were currently more than 70 international human rights instruments and a vast range of monitoring bodies and mechanisms; those efforts had also produced an approach that was gradually beginning to take into account the universality and interdependence of human rights. That had been accomplished through the patience, profound commitment and willingness to compromise of all those who had participated in the Commission's sessions. He hoped that that spirit would live on and continue to inspire the Commission in its work.

ELECTION OF OFFICERS (item 1 of the provisional agenda)

52. Mr. van Wulfften Palthe (Netherlands) was elected Chairman by acclamation.

53. Mr. van Wulfften Palthe (Netherlands) took the Chair.

54. Mr. Endo (Japan), Mr. Neagu (Romania) and Mr. Urrutia (Peru) were elected Vice-Chairmen by acclamation.

55. Mr. Ngoubeyou (Cameroon) was elected Rapporteur by acclamation.

56. The CHAIRMAN thanked the members of the Commission for the honour they had done his country in electing him as Chairman of the Commission at its fiftieth session, which was a particularly important one. It was the first session of the Commission since the World Conference on Human Rights and the establishment by the General Assembly of the post of High Commissioner for Human Rights.

57. A number of important political developments had taken place during the past year with a direct bearing on the Commission's work. The time had come to reflect on that work and to consider whether the agenda still met the requirements of the day. The momentum created in Vienna and by the General Assembly could be used to further the cause of human rights well into the twenty-first century.

58. It was the Commission's task to address and help to eradicate the numerous violations of human rights in many parts of the world. It should never forget the victims of human rights violations, who looked to it to relieve their ghastly plight. The spirit of open dialogue and compromise should continue in the common effort to eradicate human rights violations.

ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (E/CN.4/1994/1/Rev.1 and Add.1, E/CN.4/1994/89 and 90)

59. The CHAIRMAN requested those members of the Commission who had comments to make on the provisional agenda or suggestions concerning it to submit them in writing to the Secretary, so that the officers of the Commission could consider them before the provisional agenda was submitted for adoption.

The meeting rose at 1.05 p.m.